

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOSEPH A. ROBLES,

Plaintiff,

vs.

No. CIV 08-0438 JB/KBM

RAY SCHULTZ, CHIEF A.P.D.,
OFFICER M. MCELROY I.D. No. 2769,
and OFFICER C. COMPTON I.D. No. 2884,
each in their individual capacities,

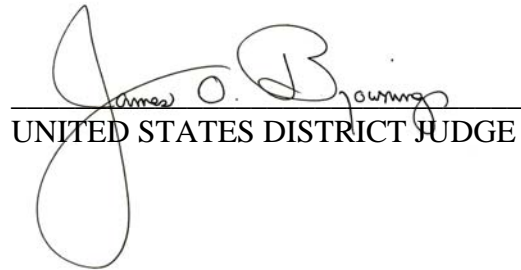
Defendants.

ORDER

THIS MATTER comes before the Court on the Court's Notice of Jury Selection/Jury Trial scheduled on the Court's trailing docket commencing May 17, 2010 at 9:00 a.m. and scheduling a Pretrial Conference on April 28, 2010 at 1:30 p.m., filed March 17, 2010 (Doc. 50). The Court held a pretrial conference on April 28, 2010. Defendants Officer M. McElroy and Officer C. Compton's counsel, Kathryn Levy, appeared at the pretrial conference; however, Plaintiff Joseph A. Robles, pro se, did not appear, nor did he give the Court any indication that he would not be able to attend. The notice of the conference was sent to the address Robles provided to the Court in his Notice of Change of Address, filed July 17, 2009 (Doc. 42). The Court also attempted to find a telephone number for Robles, but was unable to locate contact information in the telephone directory. The Court's Courtroom Deputy Clerk has also made repeated attempts to reach someone at the telephone number listed for Robles' father, which Robles provided as the emergency contact in his University of New Mexico Hospital records, included in the Martinez Report. See Martinez Report at 1, filed April 3, 2009 (Doc. 29-6). The Court has been unable to reach anyone at that telephone number.

Because Robles has not contacted the Court or given any indication that he wishes to proceed with this litigation, the Court will order that he has ten calendar days from the pretrial conference -- until 5:00 p.m. on Monday, May 10, 2010 -- to contact the Court. If Robles has not contacted the Court on or before 5:00 p.m. on May 10, 2010, the Court will dismiss Robles' Complaint without prejudice for failure to prosecute.

IT IS ORDERED that Plaintiff Joseph A. Robles must contact the Court on or before 5:00 p.m. on May 10, 2010 and indicate whether he intends to proceed to trial, currently scheduled on the Court's trailing docket for May 17, 2010. Failure to do so will result in the dismissal of his Complaint and case without prejudice.



UNITED STATES DISTRICT JUDGE

Parties and counsel:

Joseph A. Robles
Albuquerque, New Mexico

Plaintiff Pro Se

Kathryn Levy
City of Albuquerque Legal Department
Albuquerque, New Mexico

Attorneys for the Defendants